

HOUSE BILL 1400

By Evans

AN ACT to amend Tennessee Code Annotated, Title 4 and Title 41, relative to enforcement of federal immigration and customs laws in the state of Tennessee.

WHEREAS, Section 287(g) of the Immigration and Nationality Act, 8 U.S.C. § 1357(g), as amended by the Homeland Security Act, Public Law 107-296, authorizes the Secretary of Homeland Security to enter into written agreements with a state or any political subdivision of a state so that qualified officers can perform certain immigration enforcement functions; and

WHEREAS, the federal government has authorized funding for training state law enforcement officers concerning the enforcement of federal immigration laws; and

WHEREAS, such immigration law training would assist in protection of not only the United States in general, but in particular, would protect citizens of the state of Tennessee; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 4, Chapter 3, Part 6, is amended by adding the following language as a new section:

Section 4-3-612.

(a) The commissioner of correction shall negotiate the terms of a memorandum of understanding between the state of Tennessee and the United States department of homeland security concerning the enforcement of federal immigration laws, detention and removals, and investigations in the state of Tennessee.

(b) Such memorandum of understanding shall be signed on behalf of the state of Tennessee by the commissioner of correction and the governor or as otherwise required by the appropriate federal agency.

(c) The commissioner of correction shall designate that appropriate employees of the department of correction be trained pursuant to such memorandum of understanding. There shall be at least one (1) employee of the department of correction in each correctional facility of the department who is trained pursuant to such memorandum of understanding.

(d) Funding for such training shall be provided pursuant to the Homeland Security Appropriation Act of 2006, Public Law 109-90, or subsequent federal funding sources.

SECTION 2. Tennessee Code Annotated, Title 41, Chapter 1, Part 1, is amended by adding the following language as a new section:

Section 41-1-126. Correctional officers certified as trained in accordance with a memorandum of understanding between the state of Tennessee and the United States department of homeland security pursuant to § 4-3-612 are authorized to enforce federal immigration laws while performing within the scope of their authorized duties as correctional officers.

SECTION 3. This act shall take effect upon becoming law, the public welfare requiring it.